

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 743 OF 2005

Kothari Global Ltd. & Anr ...Petitioners

Versus

State of Maharashtra & Anr ... Respondents

■ ■ ■ ■ ■

Mr. A.S. Mundargi with Mr. B.C. Joseph, Advocate
for Petitioners

Ms. S.V. Gajare, A.P.P. for State.

■ ■ ■ ■ ■

CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 10TH JUNE, 2005

P. C. :-

1. Heard both sides.
2. The petitioners have prayed for quashing of Criminal Case No.105/S/2003 which is pending in the Court of learned Metropolitan Magistrate, 14th Court at Girgaum, Mumbai. In the said case, process has been issued against the petitioners under Section of 138 of Negotiable Instruments Act. If the process issued against the petitioners is set aside, the proceedings in respect of the petitioners would come to an end. The learned advocate for the petitioners submitted that the learned Magistrate committed an error in issuing process and the said process

deserves to be set aside.

3. For the reasons recorded in my order dated 8th June, 2005 passed in Criminal Application No.645 of 2005, the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer revision before the concerned Sessions Court. Interim stay granted by this Court by order dated 16.3.2005 is extended upto 4.7.2005.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing the necessary parties.

6. Office to issue an authenticated copy of this order to the parties.

7. Criminal writ petition is disposed of.
